

H. B. 4432

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(By Delegates Reynolds, Ferns, R. Phillips, Skaff, Stowers, Hunt,
Pasdon, Barill, D. Campbell, Moye and L. Phillips)

[Introduced February 6, 2012; referred to the
Committee on Banking and Insurance then the Judiciary.]

A BILL to amend and reenact §33-17A-6 of the Code of West Virginia,
1931, as amended, relating to prohibiting declination or
termination of property insurance based solely upon a home
owner's possession of a certain breed of dog; and providing
exception.

Be it enacted by the Legislature of West Virginia:

That §33-17A-6 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

**ARTICLE 17A. PROPERTY INSURANCE DECLINATION, TERMINATION AND
DISCLOSURE.**

**§33-17A-6. Discriminatory terminations and declinations
prohibited.**

~~No~~ An insurer may not decline to issue or terminate a policy
of insurance subject to this article if the declination or
termination is:

- (a) Based upon the race, religion, nationality, ethnic group,

1 age, sex or marital status of the applicant or named insured;

2 (b) Based solely upon the lawful occupation or profession of
3 the applicant or named insured, unless the decision is for a
4 business purpose that is not a mere pretext for unfair
5 discrimination: *Provided*, That this provision does not apply to
6 any insurer, agent or broker that limits its market to one lawful
7 occupation or profession or to several related lawful occupations
8 or professions;

9 (c) Based upon the age or location of the residence of the
10 applicant or named insured unless the decision is for a business
11 purpose that is not a mere pretext for unfair discrimination or
12 unless the age or location materially affects the risk;

13 (d) Based upon the fact that another insurer previously
14 declined to insure the applicant or terminated an existing policy
15 in which the applicant was the named insured;

16 (e) Based upon the fact that the applicant or named insured
17 previously obtained insurance coverage through a residual market
18 insurance mechanism;

19 (f) Based upon the fact that the applicant has not previously
20 been insured;

21 (g) Based upon the fact that the applicant did not have
22 insurance coverage for a period of time prior to the application;
23 ~~or~~

24 (h) Based solely upon an adverse credit report or adverse

1 credit scoring; or

2 (i) Based upon the sole fact that the applicant has a certain
3 breed of dog: *Provided*, That this provision does not apply to any
4 applicant who owns a dog that has a history of biting people.

NOTE: The purpose of this bill is to prohibit declination or termination of property insurance based solely upon an applicant's or home owner's possession of a certain breed of dog. The bill provides an exception if the dog has a history of biting people.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.